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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 JAMES CARNE,

12 Plaintiff,

13 v.

14 SCOTT A. FULTON, *et al.*,

15 Defendants.

Case No. C08-5726RBL

ORDER DISMISSING CASE
WITHOUT PREJUDICE

16 The Court, having reviewed the petition for habeas corpus, the Report and Recommendation of
17 Judge J. Kelley Arnold, United States Magistrate Judge, and the remaining record, does hereby find and
18 Order:

- 19 (1) The Court adopts the Report and Recommendation.
20 (2) Plaintiff's causes of action are DISMISSED without prejudice.
21 (3) The remainder of the filing fee owed by Plaintiff is waived.
22 (4) The Clerk is directed to send copies of this Order to petitioner and to Judge Arnold.
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24 DATED this 27th day of March, 2009.

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27 RONALD B. LEIGHTON
28 UNITED STATES DISTRICT JUDGE